

The Minutes of a Regular Meeting of the City Council
 Austin Tex, May 7, 1888.

Roll Call.

Roll

Present- Aldermen Assmann,
 Boland, Brush, DeGress, Graham, Haigler,
 Jones, Linn, Metz, Odell, Platt, Wilson,
 Northam - 13.

Call.

Absent- Aldermen Caldwell, Campbell, Fisher,
 Phillips, Pillow, Schneider, Townsend - 7.

Minutes.

The minutes of the last meeting of the City Council
 were adopted as printed.

Tom Smith's
 alley.

Alderman DeGress presented a petition from
 property owners and tenants in block No. 42,
 asking that Tom Smith, Jr., be permitted to
 close the north end of the alley running through
 said block for a period not to exceed fifteen
 days, beginning May 12, 1888.

Alderman Caldwell entered and answered to his
 name.

Alderman DeGress moved that the petition be
 granted, with the proviso that Mr. Smith
 be allowed to close the north end of the alley.
 Alderman Linn moved to lay the petition and
 motion on the table. Lost. Yeas- Aldermen
 Caldwell, Jones, Linn, Odell. 4.

Nays- Aldermen Assmann, Boland, Brush,
 DeGress, Graham, Haigler, Metz, Platt,
 Wilson, Northam 10.

Alderman Boland then moved to amend the
 motion made by Alderman DeGress, by permitting
 Mr. Smith to close up both ends of the alley
 for the time named, with gates at each end, which
 shall be for the use of the public. Amendment
 accepted, and on motion, the petition as
 amended was granted.

The following reports of city officers were presented
 and referred:

City Clerk's Report.

Warrants issued during April- Amt. issued - \$9,555.00

Clerk's

Phys.

Referred to finance Committee.
 City Physician's Report, April, 1888.
 Patients in hospital, April 1
 " Admitted " " in " 8
 " discharged from " " " 12
 " died in " " " 4
 " " " " " 3
 " remaining in " May 1, 13

Marshal.

Referred to hospital Committee.
 City Marshal's Report, April 1888.
 Total amount of fines and costs assessed in
 Recorder's Court \$343.70
 Collected in cash 146.25
 Worked out 95.10
 Carried forward 68.50
 Escaped 13.70
 Dismissed on habeas Corpus 20.15
 Total 343.70

Treas.

Back fines Collected \$35.70
 Cash from City pound 24.25
 Total number of arrests, 34.
 Referred to Committee on police.
 City Treasurer's Report,
 From December 23, 1887, to May 7, 1888.
 Total Receipts \$51,032.73
 Total Disbursements \$40,068.62
 Balances May 7, 1888:
 General fund 10,439.65
 Cemetery fund 329.23
 Back debt fund 170.23
 Interest fund 25.00
 Total 51,032.73

Sexton

Referred to finance Committee.
 City Sexton's Report, April, 1888.
 Total number of deaths 22.
 Referred to Cemetery Committee.

a+c

Report of City Assessor & Collector,
 for the quarter ending April 30, 1888.
 Collections:
 Ad Valorem taxes of 1887 \$36,035.43
 " " " 1886 76.70
 Recorder's Court 713.50
 License tax 2,128.05

From other sources		\$431.50
	Total	<u>\$39,385.18</u>
School tax of 1887	\$12,127.89	
" " " 1886	19.14	
	Total	<u>\$12,147.03</u>

Referred to finance Committee.

Parks.

Alderman Brush, Chairman of the Committee on Parks, presented a favorable report on an Ordinance naming the public squares in the city. No action was taken on the report.

Printing.

A majority and minority report, concerning the awarding of the newspaper printing of the City to the Dispatch Publ. Co., were called for and read. The minority report is signed by Alderman Fisher, and the majority report by the Mayor and Alderman Caldwell. The former report is in favor of awarding the printing to the Statesman Publ. Co. at the price named in its bid - three (3) Cents a line for first insertion and two (2) Cents a line for each subsequent insertion. The latter report is in favor of awarding the Contract to the Dispatch Publ. Co., according to its bid of two (2) Cents a line for first insertion, and one and a half (1 1/2) Cents a line for each subsequent insertion. The latter report was adopted, and the Mayor and Committee on printing were authorized to enter into Contract in to Contract in accordance therewith.

An Ordinance appropriating (\$800) money for graveling certain streets leading to the drill grounds, was taken up on its third reading and laid on the table.

Armed
Block

The Mayor submitted the following message to the Hon. Board of Aldermen:

Gentlemen: - I have the honor to lay before you for your consideration a Conditional deed of Conveyance from the Secretary of War, on behalf of the United States government, to the City of Austin, to a certain

tract of land in the southeastern portion of the City, known as the "Arsenal Block". This deed was executed on the 19th day of March, 1888. It was not, however, received by me until the 27th day of April, 1888, five weeks later, and was handed to me by Mr. A. P. Wooldridge, of this City. I am not aware as to how Mr. Wooldridge obtained possession of it, nor the reasons why it was not directly transmitted to the properly constituted authorities of the City charged with the custody and responsibility of such and similar trusts.

Previous to the reception of the deed, I was waited upon by Capt. Ballance, Acting Judge Advocate, U. S. A., who desired to make a delivery of the property to me, but as he was without the deed, I did not deem that it was proper for me to receive it, and therefore declined to entertain any proposition looking to that end. At Capt. Ballance's request, however, I delivered to him the following formal notice:

[Copy]

" Capt. J. B. Ballance, Acting Judge Advocate
United States Army, Austin Texas:

Dear Sir:— Having no official knowledge that the Arsenal Block has been ceded to the City of Austin by the general government, and never having seen any deed conveying said property, I cannot receive possession of it from you.

" If a deed to said property is delivered to me, I will refer the matter to the City Council for such action as it may see proper to take.

" Very Respectfully,

" Joseph Valle, Mayor."

Before this body shall take any action on this matter, it may not be amiss for me to state that there are points involved in this conditional conveyance that should be

Calmly and maturely Considered.

It will be seen that the terms of the deed are purely Conditional. The property is Ceded to the City for only such time as it shall be used for educational purposes. If at any time the City should find itself unable or unwilling to maintain and Carry on the School, and even temporarily abandon the use of the property for educational purposes, it would, under the terms of this deed, work a forfeiture, and thus, whatever improvements may have been made thereon with the funds of the people of this City, would necessarily have to be abandoned and prove a total loss.

Purely as a business proposition, I deem it unwise for the City to expend a dollar of the tax-payers' money in improving a site in which the City has not an absolute title in fee simple.

Every dictate of sound policy, honest fulfillment of duty, and Common sense suggests that the people's money should only be expended where permanent and unquestioned title is Vested in the City.

If illustration were needed to point out the dangerous precedent of ignoring this palpably plain, safe and Conservative policy, it would be furnished by a case in issue in our midst. Years ago, the State Ceded to the City of Austin certain realty for a specific purpose. In other words, the conveyance was identical in its terms and tenor with the instrument of writing executed by the Secretary of War. No opportunity presenting itself to the City to utilize the donation, and apprehending no trouble or difficulty in the future, the City in turn Ceded the land to a religious Congregation of Colored people, who proceeded to erect a handsome and costly Church edifice, at an expenditure of many thousands of dollars.

Today they are threatened with suits of ejectment

And it is understood that the State authorities contemplate the institution of proceedings to dispossess them of the property. Should this policy be carried out, it will of course entail great loss and hardship upon a deserving and worthy body of people, but it will also emphasize the force of a plain and undisputed business proposition that we as the people's representatives should not ignore: That not one dollar of the tax-payers money should be expended in improvements upon any site which the municipality has not a title in fee simple.

Aside from considerations heretofore asserted by your Hon. Body, there is, in my opinion insurmountable objections to be urged against the acceptance of this block of ground as a site for a public school. Its ineligibility is conceded. Situated in the extreme south eastern portion of the city, it could afford facilities and accommodations to but a limited population, except at great inconvenience to the pupils. It is almost immediately opposite the site selected for the freight depot of the Arkansas Pass Railway, and if that road should be built as I have no doubt it will be, the utter unfitness of the block suggests itself, to say nothing of the dangers to life and limb that would inevitably attend the movement of heavily laden freight trains at all hours, in close proximity to the playgrounds of Zoo or Foo school children.

If additional school buildings are needed, let them be provided. But before a single dollar of the people's money is expended upon them, let those selected to supervise the city's affairs see to it that the titles to the sites, upon which they are to be erected, are vested solely, absolutely and unconditionally in the city. Let us not jeopardize the public funds by investing them in improvements that may at any moment be abandoned, and thereby revert to the government to the utter and complete loss to the city of whatever may have been expended.

While on this subject, it may not be out of place for me to state, that under a recent written

Opinion of the City attorney, the Council is the proper Custodian of the fund to purchase sites, build school houses, make improvements, repairs, etc, I desire to say, that in future it will be the policy of this administration, in accordance with the opinion of the City attorney to assume that responsibility. To that end the School fund will be separated, and that portion to be devoted to repairs, improvements, extensions, etc, will be set aside, to be expended under the direction and authority of the Council. The responsibility of superintending the active management of the Schools and the practical duty of providing the necessary means to care for the support and maintenance and proper accommodation and facilities for the pupils, will be entirely separated, and thus each branch of the service in its respective sphere, will be supreme, Co-operating and working together whenever the public good shall demand it, and thus each branch can be held responsible for the fulfillment of its plainly defined duties. Therefore, the additional importance of your wise and careful action in the matter, as upon you will devolve the responsibility of levying and expending the tax for the improvement of this property, should you determine to accept its Conditional tender. No one will go further than myself to advance the interests of our free schools. I recognize their great worth and their beneficial effects upon the growth, and appreciate the vast influence they exert upon our coming citizenship, and as their friend I give it as my judgment that we will best serve them by your Hon. Body returning this Conditional deed of conveyance, herewith transmitted, to the Hon. Secretary of War, with the information that, while appreciating the liberality of the government, the Conditional gift or donation is respectfully declined.

Joseph Nalle, Mayor.

Austin, May, 7, 1888.

Resolution
 Arsenal -

After the message was read Alderman Boland introduced the following resolution:
 Whereas, The Congress of the United States did

pass a bill authorizing the Secretary of War to Cede to the City of Austin a Certain Tract of land within her Corporate limits, known as the Arsenal Block; and

Whereas, The people of the City of Austin, through their accredited and legal representative, the City Council, did, on the 6th day of February 1888, adopt a formal resolution, Certified Copies of which were forwarded to their Senators and Representatives in Congress, requesting them to use their efforts and influence to defeat the passage of said bill; and

Whereas, The people of the City of Austin do not desire the transfer from the General Government of this block of ground, but prefer to have the same to remain in her possession and under her Control; and

Whereas, This property, on account of its location, is inaccessible and unsuitable, and is not the proper site for a school building; and

Whereas, The bill only authorizes the transfer of this property for educational purposes, and contains the provision "that when not used for this purpose it shall revert back to the United States;" and

Whereas, Under this Condition, it would be bad policy and extremely unwise to expend any money upon a site that might at any time be temporarily abandoned or not used, and which would thus, in accordance with the terms of the Conveyance, revert to the United States; and

Whereas, It is not sound policy to invest the money of the taxpayers in a building upon a site in which the city has not a title in fee simple, and those guilty of such dereliction of duty would justly deservedly be held responsible by the people for their unbusiness-like action, therefore, be it

Resolved, by the City Council, of the City of Austin, That the Mayor be and he is hereby instructed to return to the Hon. Secretary of War the deed of Conveyance to said Arsenal

block, accompanied with a copy of these preambles and resolutions, and the further information that it is respectfully declined for the reasons set forth herein.

Resolved, further, That the Mayor is hereby directed to forward a copy of these preambles and resolutions, under the Seal of the City of Austin, to the Sen. President of the Senate and Speaker of the House of Representatives of the Congress of the United States, with the request that they lay the same before their respective houses, with a view of securing a repeal of the act authorizing the conveyance.

Alderman Wortham moved that the resolution lie on the table till the next meeting.

Alderman DeGress moved to table the motion. Carried.

Yeas - Aldermen

Assmann, Boland, Brush,
Caldwell, DeGress, Staigler,
Jones, Metz, Odell,
Platt, Wilson - 11.

Nays - Aldermen Graham, Linn, Wortham - 3.

Alderman Linn moved to adjourn. Lost.

The previous question was moved and adopted, and the main question ordered and put and adopted by the following vote:

Yeas - Aldermen
Assmann, Boland, Brush, Caldwell,
DeGress, Staigler, Jones, Linn, Metz,
Odell, Platt, Wilson - 12.

Nays - Aldermen Graham and Wortham - 2.

Alderman Linn then gave notice that he would move a reconsideration of the vote by which the resolution was adopted, at the next meeting of the City Council.

Alderman DeGress moved to table the notice or motion. Carried.

Print it
in

Alderman DeGress then moved that the message of the Mayor, the resolution and the vote by which the same was adopted, be printed in the Statesman and Dispatch.

Alderman Wilson then moved to amend the

motion by adding the proviso: if at the rate fixed for the printing of other newspaper matter. accepted.

The German paper, on motion of Alderman Metz, and the Firm Foundation, on motion of Alderman Wilson, were then added on same conditions, and the motion as amended was carried.

Farmers
Alliance
Block

The Mayor submitted the following Veto:
To the Hon. Board of Aldermen:

Gentlemen:- I herewith return without my approval a resolution by your honorable body. at its meeting, April 16, 1888, instructing the Mayor and City Attorney to enter into Contract with, and lease to, the Farmers Alliance, for a term of years, the south half of block fifty-nine (59), or the public square immediately south, if, in their opinion, it can be legally done.

My reasons for withholding my approval to the resolution, are: I do not believe the city has the power to Cede the property. It was Ceded to the city by the Republic of Texas for a specific purpose, and at anytime it is diverted from that purpose, it would, in my opinion, according to the terms of Cession, revert to the State.

Again, I do not believe that we have either the moral or legal right to discriminate in favor of one class of citizens as against another.

The property in question belongs to the whole people of Austin, and we have no right, in my judgment, to set it apart for the exclusive use ~~of~~ and benefit of any particular sect, class or race. It would be bad policy to do so, and set a precedent that would certainly return in time to plague and annoy the city.

Again, if it was in the power of the City Council to sell or lease this property, manifestly it would be the duty of this board to give public notice by advertisement, inviting competitive bids, in order that it might be disposed of to the highest bidder, to the interest of the city. I therefore respectfully recommend that your

honorable body reconsider the vote by which the resolution was adopted

Joseph Nalle, Mayor.

Austin, May 7, 1888.

Alderman Linn then moved a reconsideration of the vote by which the resolution was passed. Carried.

Alderman Linn then moved that the resolution pass notwithstanding the veto of the Mayor. Lost, yeas Aldermen Caldwell, Wartham - 2.

Nays - Aldermen Assmann, Beland, Brush, DeGress, Graham, Hargler, Jones, Linn, Metz, Odell, Platt, Wilson - 12.

The Mayor then presented the following:

To the Honorable Board of Aldermen.

Gentlemen: - I herewith respectfully return to your Honorable Body the ordinance appropriating \$800 to gravel and improve Water (or First) street without my approval.

My reasons for withholding my approval to the ordinance are:

1. - I believe the revenues of the City to be insufficient to justify the expenditure.

2. - I am of the opinion that the wishes of the Board of Aldermen and the people of our City can be carried out without the expenditure of any money beyond the \$1500 already appropriated for the bridge across Waller Creek. The Contract for the building of that bridge was let for the sum of \$1340, leaving unexpended of the original appropriation \$160, which it is proposed to use in grading the approaches, etc. With this amount of money and the use of the City's teams and street force, I am satisfied the street will be placed in a condition by the time of the opening of the drill Ceremonies, that will give general satisfaction.

I therefore recommend that the vote by which the ordinance

\$800 to
gravel str.

was passed, be reconsidered

Austin, Texas, May, 1888. Joseph Nalle, Mayor.

A motion was made to reconsider the vote by which the ordinance was passed. Carried.

Alderman Wartham then moved that the ordinance pass notwithstanding the veto of the mayor. Lost.

Ay - Aldermen Assmann, Boland, Brush, Caldwell, DeGress, Graham, Haigler, Jones, Linn, Metz, Odell, Platt, Wilson, Wartham - 14.

The Mayor then offered the following Veto:

800\$ for
Hose Carriage

To the Hon. Board of Aldermen

Gentlemen - I return herewith to your Hon. Body the ordinance appropriating \$800.00 to purchase a hose carriage for East Austin Fire Company, without my approval. I regret the necessity which compels this action upon my part, but under existing circumstances and the present condition of the City's finances, I see no other course.

I am thoroughly satisfied that a new hose carriage is needed for the East Austin Company, and that the property of that section of the City is justly entitled to all possible protection against fire that the authorities can extend. I recognize the fact that the purchase of this new hose carriage would add greatly to the means of protection, and I fully realize and regret the disappointment my action in disapproving this measure will call forth; but I feel that it is better to temporarily bear a little disappointment than to create obligations in excess of our revenues, thereby creating deficiencies that must be met and provided for out of the revenues of the coming year. This we should not do. It is a policy that should not prevail and is expressly prohibited by the Charter of the City. The revenues of the City for the present year have been heavily drawn upon by the fire department to meet accruing obligations previously contracted. Briefly summed up there

" has been, and will be, drawn from this year's revenues for the fire department, beyond the ordinary expenses, the following monies:

Pay of fire Companies for sept, Oct, and Nov., 1887	\$ 750.00
Rent Washington Engine-house, months Sept. Oct, & Nov. 1887	150.00
Paid for fire bell	576.22
Paid for hose Carriage for Colorado No. 2,	960.30
Note and interest due Grand Hamilton for lot in fifth Ward, for fire purposes	726.00
Additional pay 6 drivers, at \$60 per month	720.00
Total	\$ 3,882.52.

It can readily be seen that further advances or appropriations in that direction ought not to be made out of the present revenues, and could only be done by seriously crippling other branches of the public service.

This extra expenditure, it will be observed, comes directly from the revenues of the present year. Of course, I do not assume to hold the fire department responsible for these extraordinary drafts upon the current funds. Over \$2400.00 of this amount should have been paid from the revenues of last year, but it was not, and has fell as a burdensome charge upon the revenues of the current year.

If the finances of the city were such as to justify it, I would heartily concur and approve this appropriation. I would go further. I would favor the purchase for each company of the latest and most approved apparatus in every branch, and in unlimited quantities, but at present I can find neither law nor business prudence to support me in approving the expenditure of one dollar more during the present year than has already been previously granted and provided for by law.

I therefore respectfully recommend that the vote by which the ordinance was passed be reconsidered.

Joseph Nalle, Mayor.
Austin, Texas, May 7, 1888.

" Alderman DeGress moved that the veto and ordinance lie on the table subject to call. Carried.

On the recommendation of citizens and the mayor, the

fine and (cost) assessed against H. Maria were permitted.

A communication was read from J. B. Richardson, and L. N. Goldbeck, executors of the late John S. Allan, calling attention to the bequest of the deceased, and formally tendering same to the City.

A communication was also read from Miss G. C. Osborn, stating she owns an undivided one-half interest in certain tracts of land bequeathed to the City by the late Jno. S. Allan, and asks that her agents (Eggleston & Goldbeck), be appointed by the City as its agents, inasmuch as they are familiar with the lands and could therefore better serve the interests of the City and herself.

An application from Messrs. Eggleston & Goldbeck to be appointed as the City's agents to dispose of the lands, was read, after which Alderman DeGress moved that the City Council formally accept the property bequeathed to the City of Austin by the will of the late Judge John S. Allan, and that the Mayor be authorized to appoint such person or persons as he may deem proper to take charge of such property, and make report of the same to the City Council; and that the Mayor notify the executors of the will of the formal acceptance by the Council of the property. Carried.

Blaeker,
Love

The Mayor submitted two propositions from E. M. Bacon to sell land to the City for a Cemetery. Referred to Cemetery Committee, with instructions to submit a written report thereon.

Cruchon.

The Assessor and Collector submitted a report in effect, that W. N. Cruchon, who has under lease a portion of River Walk, refuses to pay further rental on same. Referred to the City attorney for his opinion as to what course the City should pursue in view of the premises.

Alderman Jones introduced a resolution, which was adopted, granting to the Union Fire Alarm Company the use of a portion of the

basement of the City Hall as a storage room for the batteries, etc.

An Ordinance, naming the public squares in the City of Austin, was taken up on its second reading and read, after which Alderman Jones offered the following amendment:

That the name of Washington be stricken out of the ordinance naming the Parks and that the name of "Brush" be inserted instead, in honor of A. B. Brush". Adopted.

A motion was then made to suspend the rules, and place the ordinance on its third reading, which was lost by the following vote:
 Yeas - Aldermen Assmann, Boland, Brush, Caldwell, DeGress, Graham, Haigler, Jones, Metz, Odell, Platt, Wilson - 12.

Nays - Aldermen Linn and Wartham - 2.

300 \$ for bridge

Alderman Odell introduced an Ordinance appropriating the sum of \$300 for the construction of a bridge across Waller Creek on East 18th Street. Referred to the street Committee.

at 10 o'clock

The mayor asked the Council to approve the following named gentlemen as the Board of Appraisers and Equalization: D. M. Wilson, R. Platt, Geo. Assmann, from City Council, and O. A. Caldwell, and Dr. R. E. Grant, from citizens. On motion, they were confirmed by acclamation.

2000.

Alderman DeGress introduced an Ordinance appropriating the sum of \$1623.43 for the purpose of paying approved accounts.

It was read first time, after which a motion was made to suspend the rules and place the ordinance on its second reading, which was adopted by a two-thirds vote of a full board. The ordinance was then read a second time, after which Alderman Wartham moved to amend by inserting \$11 to pay to J. M. Day the proceeds of the sale of his cow at the city pound. Carried.

A motion was then made to suspend the rules and place the ordinance on its third

reading and that it do pass; both of which were adopted by the following vote:

Ayes- Aldermen Assman, Baland, Brush, Caldwell, DeGress, Graham, Haigler, Jones, Linn, Mott, Odell, Platt, Wilson, Northam - 14.

The Mayor presented a letter from the Committee on Public Comfort, stating that they had exhausted all their resources in securing accommodations for visitors who will attend the drill, and requesting the "free use of such property under the control of said Mayor and Board of Aldermen, unto this Committee for the purpose of erecting temporary sheds or shelters, raising tents, etc, to aid them in making provision for the accommodation of the vast number of strangers who will be in our city shortly.

On motion, it was referred to the Mayor and Street Committee, with full power to act.

On motion, the Council then adjourned.

Milton Morris, City Clerk.

